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COMMITTEE ON THE ELIMINATION OF RACIAL DISCRIMINATION

Forty-fifth session

SUMMARY RECORD OF THE 1061st MEETING

Held at the Palais des Nations, Geneva,
on Monday, 15 August 1994, at 10 a.m.

Chairman: Mr. GARVALOV

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The meeting was called to order at 10.15 a.m.

CONSIDERATION OF REPORTS, COMMENTS AND INFORMATION SUBMITTED BY STATES PARTIES UNDER ARTICLE 9 OF THE CONVENTION (agenda item 5) (continued)

Burundi: Additional information requested under article 9, paragraph 1, of the Convention (continued)

1. Mr. JOHNSON (Secretary of the Committee), replying to a question from Mr. ABOUL-NASR, said that the Permanent Representative of Burundi at Geneva had been awaiting instructions from the authorities in Bujumbura on whether or not she should attend the Committee's meeting. To date, no such instructions had been received. Representatives of Burundi had been present when the Human Rights Committee had examined the situation in Burundi at its session in July 1994

2. Mrs. SADIQ ALI (Country Rapporteur) said that since the last report of Burundi (CERD/C/44/Misc.12) had been considered in March 1994, two presidents had been killed. The report of the Special Rapporteur of the Commission on Human Rights of 3 December 1993, the comments of the Human Rights Committee on the report of Burundi at its recent session (CCPR/C/79/Add.41) and reports by Amnesty International had all testified to the continuation of an extremely critical situation in that country.

3. On 19 April 1994, new clashes had erupted in Hutu-dominated areas on the outskirts of Bujumbura between the Tutsi-dominated army forces and Hutu militants. Following a failed coup by parachutists on 24 April 1994, shooting had resumed in Bujumbura and the situation there remained extremely tense. On 30 April 1994 supporters of the Parti de l'Unité et progrès national (UPRONA) had held a demonstration against United Nations plans to hold peace talks in Nairobi. According to the Pan-African News Agency, the protesters had been suspicious of the idea of all the members of the Cabinet being assembled in one place at one time.

4. The most recent information on the situation in Burundi came from Amnesty International following a visit to the country, by its representatives from 25 July to 4 August 1994. It had found that bitter internal divisions were flaring up and politically motivated killings were taking place almost daily. The majority Hutus and minority Tutsis were for the most part living in mutually hostile camps. Among the country's elite, the divisions were essentially political, but among the rest of the population they were mainly ethnic with the majority Hutu community being identified with the Sahwanya-Frodebu Party, which had been elected to power in June 1993, and the Tutsis with opposition parties.

5. The arrival of the representatives of Amnesty International had coincided with outbreaks of violence in various areas of Burundi. Both ethnic groups blamed armed extremists belonging to the opposing ethnic group for starting the killings. Many of them had been deliberate and arbitrary, defenceless victims having been singled out because of their ethnic origin.

6. On the eve of the Amnesty International representatives' arrival, the corpses of murdered Hutu villagers had been displayed on a main road,

apparently to protest against the lack of official action to end the killings. According to Amnesty International, the authorities were doing very little to establish who had been responsible for the killings and bring them to justice. In the absence of any functioning criminal justice system, Amnesty International had urged that more international observers should be deployed alongside security forces to monitor their activities. The Organization of African Unity's observer mission had approximately 65 personnel working in Burundi, which was not enough to cover all the areas affected by violence.

7. Amnesty International was also calling on the international community to provide observers to monitor the progress and ensure the independence and impartiality of investigations into political killings, including those relating to the murder of President Ndadaye, other senior officials and the ensuing massacres of thousands of people.

8. The representatives of Amnesty International had seen for themselves the refusal of the authorities to launch investigations for political reasons, following the discovery in July 1994 of a mass grave in the Bugabira commune. Representatives of Physicians for Human Rights had visited the grave on 25 July 1994 and had found circumstantial evidence suggesting that it contained the bodies of Rwandese asylum-seekers who had disappeared from a nearby refugee reception centre on 11 June 1994, when eye-witnesses had reported that more than 100 asylum-seekers had been hacked to death. Allegedly in the interests of public order, the local civil, judicial and military authorities had refused, despite clearance at ministerial level, to excavate the site to establish the number of dead and obtain forensic evidence. Amnesty International's representatives had noted an increase in tension in the province following the proposal to examine the grave, with the strongest opposition coming from the security forces. An Amnesty International representative had visited the site on 1 August 1994, together with representatives of Physicians for Human Rights, the Office of the United Nations High Commissioner for Refugees (UNHCR) and other international observers, and military and government officials, only to find that the grave had been tampered with before their arrival.

9. It was believed that well over 100 Rwandese asylum-seekers had been killed on the evening of 11 June near Burundi's border with Rwanda. Eye-witnesses had claimed that men and boys had been told by armed men in military uniforms who, with only one exception had been identified as being of Burundi origin, to get into trucks and had subsequently been driven away and killed by Tutsi civilians armed with machetes. Several shallow graves had been found nearby the following day, but the whereabouts of the rest of the bodies was unknown. In July 1994, UNHCR had reported several other incidents involving the murder of Rwandese asylum-seekers. Burundi was concerned that the asylum-seekers included members of the Rwandese death squads responsible for mass killings of the Tutsi population, but many of those who had arrived on 11 June 1994 were reported to have come from an area of Rwanda where relatively few Tutsis had been killed.

10. In the absence of any other evidence, the authorities responsible for criminal investigations in Burundi had to depend almost exclusively on complaints or denunciations by relatives of the victims of political killings. According to Amnesty International, as the Tutsi community tended to be more

literate and better represented in the judiciary, more investigations had been opened into the killing of Tutsis than of Hutus. Almost all of the approximately 300 suspects who had been detained in connection with the massacres had, thus far, been Hutus. Although there was no doubt that the massacres immediately after the murder of President Ndadaye had been directed against Tutsis by Hutu killers, it had also been well established that soldiers and vigilantes supporting opposition parties, predominantly Tutsis, had also been responsible for unlawful killings on a massive scale.

11. On 9 August 1994, the army had been ordered to restore order after a two-day strike and ethnic clashes. Troops with heavy machine guns had been deployed at all entrances to Bujumbura and in the northern suburbs where young Tutsis had been involved in anti-Hutu protests. Trouble had been sparked off by the arrest of a Tutsi opposition party leader, which had coincided with a civil unrest campaign organized by groups accusing the Government of oppressing the Hutu majority.

12. Amnesty International was urging the Burundi authorities to set up a commission of inquiry to investigate incidents of political violence and establish the circumstances in which killings had occurred, in particular where defenceless victims had been deliberately put to death. The commission of inquiry should also investigate the possibility of direct or indirect involvement by both units of the armed forces and political leaders represented in the Government in summary executions and other deliberate and arbitrary killings. It should also recommend ways of preventing killings and limiting the loss of life when violent incidents occurred. As the bitter social divisions in Burundi would inevitably lead to accusations of bias, the commission should include observers or representatives of the international community.

13. The Committee itself should express its concern at the recurrence of gross violations of human rights. It should furthermore recommend that an international force should be set up to stabilize the situation in Burundi and that independent investigations into the killings should be carried out. It should urge that the protection of human rights should be taken into account and that victims and their families should be compensated in accordance with article 6 of the Convention. The Committee should also recommend that the public institutions should be reorganized and that all population groups should have equal access to the public service in accordance with article 5 of the Convention. Furthermore, the army and gendarmerie should be brought under the effective control of civilian authorities and a judiciary established that was impartial and representative of the population as a whole. It should also condemn the use of the media to generate hostility as a clear violation of the provisions of article 4 of the Convention. The mass media should be used to help promote national reconciliation and harmony.

14. Mr. BANTON thanked Mrs. Sadiq Ali for bringing the Committee up to date with the situation in Burundi. In general, he supported the proposals she had made, which could be included in the Committee's concluding observations. They could be adopted quite independently of the decision taken on the draft decision drawn up by Mr. Sherifis.

15. The report of the International Inquiry into Human Rights Violations in Burundi since 21 October 1993 had been prepared by the same organizations which had made up the commission of inquiry into developments in Rwanda. Given the fact that the recommendations made in the report on Rwanda, if followed, could have averted a human rights catastrophe, the Committee in its concluding observations should draw attention to two areas of the report on Burundi in particular. Firstly, the report recommended reorganization of the army and the police force to ensure that they became separate bodies and functioned according to internationally recognized standards. Secondly, it recommended that Burundi should introduce legislation to allow for the recruitment of judicial personnel so that those responsible for human rights violations could be brought to trial within the country.

16. Mr. de GOUTTES said that the gravity of the situation in Burundi, particularly as reflected in reports from the non-governmental organizations mentioned by Mrs. Sadiq Ali, had led the Security Council to define the situation in Burundi as explosive. The Hutu-led party had been greatly weakened by its inability to control the army, the judiciary or the administration in the face of Tutsi opposition. Negotiations between the Government and the opposition were at a standstill and had been suspended. It was of the utmost importance that a new Government and new President should be installed. Speculation that the negotiations might be resumed on 16 August 1994 had not been confirmed. It was regrettable that representatives of Burundi had not been present at the Committee's consideration of the additional information.

17. Burundi was suffering from the paralysis of public authorities, the State and its judicial system. The murder of President Ndadaye and the ensuing retribution had gone unpunished. The entire institutional apparatus needed to be reconstructed. The technical assistance programme undertaken in Burundi following the mission of the High Commissioner for Human Rights in May 1994 was extremely important and could serve as a model for Rwanda in the future. Several questions remained unanswered, however, including the feasibility of implementing the technical assistance programme. If it was considered feasible, would the Centre for Human Rights have the necessary resources, would the Committee's expertise be called upon with regard to training State officials and reconstructing the State apparatus and how could other bodies such as the Human Rights Committee and the Sub-Commission for Prevention of Discrimination and Protection of Minorities assist in the work?

18. Mr. ABOUL-NASR said that the Committee had two documents before it: the concluding observations it had adopted at its forty-fourth session following discussions with the representative of Burundi; and the draft decision on the situation in Burundi prepared by Mr. Sherifis. The Committee should consider how it could combine the two texts. The revised text should also express the Committee's appreciation of the activities of non-governmental organizations such as Amnesty International but avoid reference to matters outside its terms of reference, such as suggestions pertaining to the separation of the army and the police force. Nor should it recommend the establishment of an international police force, particularly in view of the fact that the Security Council was considering the termination of the United Nations

presence in Burundi. Operative paragraph 1 of the draft decision should include a reference to the continuous efforts of the Organization of African Unity.

19. The CHAIRMAN said that the Committee would continue consideration of the additional information on Burundi at a later meeting.

STATEMENT BY THE HIGH COMMISSIONER FOR HUMAN RIGHTS

20. The CHAIRMAN said that the Committee welcomed the opportunity to discuss with the High Commissioner for Human Rights matters of concern that fell within both their mandates.

21. Mr. AYALA LASSO (High Commissioner for Human Rights) said that the creation of the post of High Commissioner for Human Rights, pursuant to a recommendation adopted by the World Conference on Human Rights in 1993, was a highly significant development in the history of the United Nations, and, indeed, in man's age-old struggle for human rights. The mandates entrusted by the General Assembly to the High Commissioner were very broad and included, in particular, the promotion and protection of all human rights, including the right to development; the prevention of human rights violations; the coordination of human rights activities within the United Nations system; the enhancement of international cooperation on human rights; the provision of technical and financial assistance in the field of human rights; the coordination of education and public information programmes in the field of human rights; the strengthening and streamlining of the United Nations human rights machinery; and the overall supervision of the Centre for Human Rights.

22. Because of the broad and sensitive character of that mandate and the high expectations attached to it, he would clearly need the full support and collaboration of all States and human rights bodies, including the Committee, in order to carry out the duties of his office successfully. It was his intention, in particular, to establish harmonious and fruitful working relations with all human rights treaty bodies and to support them as much as possible so as to enhance their effectiveness. He also planned to give special emphasis to ensuring that States complied with the obligations they had undertaken in ratifying or acceding to international human rights instruments. Ideas or suggestions on how the High Commissioner could cooperate with the Committee, and with other treaty bodies, would be most welcome.

23. The Committee had played a pioneering role, as the first of the human rights treaty bodies, in the evolution of the treaty system as a whole; he had noted with special interest the Committee's recent actions to initiate procedures aimed at the prevention of serious violations and to provide early warning about threats of major violations. He shared the importance the Committee attached to prevention and intended to make prevention an essential feature of his action as High Commissioner. In so doing, he would certainly draw upon the Committee's expert knowledge and advice relating to specific situations and concerns. He would also welcome specific recommendations on how he could best help in addressing such concerns. In that connection, he thanked members for their valuable contributions to the draft programme of the Third Decade to Combat Racism and Racial Discrimination.

24. Recently, he had attempted to play a role of prevention in Burundi, where he had been able to identify and accelerate the implementation of a programme of technical assistance aimed at defusing tensions and building a more solid foundation for respect for human rights. Unfortunately, the situation there was still very dangerous and the outcome uncertain. He would be travelling again to Burundi shortly to see what other measures could be taken to bring the current crisis under control. He had also sought to respond as rapidly as possible to the tragic events in Rwanda, through intensive consultations and by undertaking a personal mission to the area, where he had been able to appeal directly to the main parties to the conflict for an end to the massive human rights violations which had been taking place at the time. A special session of the Commission on Human Rights had subsequently been convened to address the crisis. The Commission had acted positively on many of his recommendations, including one proposing the appointment of a Special Rapporteur on the human rights situation in Rwanda. Twenty-six field officers would shortly be deployed following the establishment of a commission of experts by the Security Council. He would be leaving very soon to finalize arrangements for the technical cooperation programme and the field presence in Burundi and then travel on to Rwanda in order to ensure the full operational capability of the human rights field monitors there.

25. He reiterated his pledge of strong personal support for the work of the Committee. In the exercise of his functions he would keep himself closely informed of its activities and make every effort to ensure that it received all the support it needed. Since he regarded the creation of a system for effective implementation of the treaty bodies' recommendations as one of his basic mandates, he intended to work closely with the Committee with that end in view.

26. The CHAIRMAN, thanking the High Commissioner for his important statement, said the Committee would be glad to place any expertise it might be able to offer at his service and looked forward to much fruitful cooperation with him. He welcomed the indication that the High Commissioner considered prevention a priority, since it was also a major issue for the Committee.

27. Mr. DIACONU, welcoming the opportunity for an exchange of views with the High Commissioner, said that the principal purpose of the Committee was to examine reports submitted by States parties and to ensure that all provisions of the Convention were as far as possible fully implemented by them. It could also call on an early warning and urgent procedure mechanism that enabled it to take timely measures to prevent mass outbreaks of racial discrimination in situations of conflict. Such measures had been taken in relation to Kosovo in the former Republic of Yugoslavia and it was hoped that they could be taken elsewhere, since they were less costly than attempts to mend matters after open conflict had broken out.

28. In applying such measures, the Committee had no intention of competing with other United Nations bodies, since each had its own particular contribution to make, all of which were welcome. He was, however, somewhat surprised to see from paragraph 24 of document E/CN.4/Sub.2/1994/12 that the Sub-Commission on Prevention of Discrimination and Protection of Minorities might propose that the early warning and urgent procedure mechanism should consist of a member of the Sub-Commission, the Special Rapporteur on

contemporary forms of racism and a member of the Committee. The Committee had considered it preferable to keep the procedure flexible and to tailor the composition of any mission to the special needs of the particular situation; for example, the mission to Kosovo had consisted of three members of the Committee and that to Croatia of only one. He therefore hoped that the High Commissioner would consider it part of his role to ensure that all bodies engaged in prevention of conflict and discrimination worked together to the same end without any element of competition.

29. With regard to the situation in Burundi, the Committee was at present considering what measures within its mandate would help to prevent the situation there from taking the same tragic course as in Rwanda. It was considering recommendations for separation of the army and the police - an essential measure if violence was to be reduced - reform of the justice system and recruitment of and training for members of the judiciary. In carrying out such a task, the Burundi Ministry of Justice might be assisted by international advisers and experts in human rights and the number of non-governmental organizations represented in Burundi might be increased.

30. The Committee wished to be treated on an equal footing with other treaty bodies. It would perhaps be able to receive more extensive services from the Centre for Human Rights if its sessions did not coincide with those of the Commission on Human Rights and its Sub-Commission. Perhaps that might be tested in 1995 when the Commission had indicated its wish to hold its session later.

31. There was currently a resurgence of nationalism and affirmation of ethnic identities throughout the world, in countries both rich and poor, even where efforts were being made to achieve some measure of integration. It was a natural process answering a deep human need, which should therefore not be rejected out of hand. Its workings should, however, be studied and methods sought of providing peaceful outlets for such sentiments, so that peace might be maintained in all countries. The Committee was ready to make its contribution to United Nations efforts to that end.

32. Mr. de GOUTTES said the Committee's first opportunity to exchange views with the High Commissioner had been very welcome and it looked forward to receiving further information on his plans and projects for the future. The Committee's early warning and urgent procedure mechanism had been inspired by the preventive approach set out in the Secretary-General's report entitled "An Agenda for Peace" and had the support of the Assembly, the World Conference on Human Rights and the Assistant Secretary-General for Human Rights. The High Commissioner, to judge by the value he placed on prevention, also appeared to give it his blessing. Two missions - to Kosovo and Croatia - had been undertaken under that mechanism and others, to Burundi and perhaps Rwanda, might also prove useful. It was thus important to safeguard what had been achieved by means of that approach and for the Committee to be assured of the High Commissioner's full support for such preventive measures. That was particularly necessary in order to avoid any spirit of competition among human rights bodies.

33. Support from the High Commissioner would be particularly welcome in any effort by the Committee to offer its good offices in Burundi and Rwanda. The

situation in Burundi was particularly explosive and a major reform effort was necessary. The High Commissioner's extensive and ambitions programme to provide technical assistance in human rights to Burundi was thus very important, and might well in due course serve as a model for Rwanda. The Committee had therefore been concerned to hear that the Tutsi opposition in Burundi had declared itself against the dispatch of any United Nations mission to that country that had not been discussed beforehand by all parties in the country and received their consent. He therefore asked what the prospects for initiating the technical assistance programme were in the present circumstances in Burundi and whether the Centre for Human Rights could call on sufficient resources for its successful implementation.

34. The Committee was anxious to know what contribution it could make to that programme. It might be able to assist, firstly, in the reconstitution of the State, in particular, by providing advisory services for reform of the justice system, the administration and the social welfare system, and secondly, in the training of senior officials and education in and dissemination of information on human rights and the prevention of racial discrimination. The Committee was also anxious to hear how the work of the various United Nations partners in human rights - the Commission, the Sub-Commission, the various treaty bodies and the Centre for Human Rights - would be coordinated in practice.

35. Mr. SHAHI said he associated himself with the welcome extended to the High Commissioner, who could count on the full cooperation of the Committee in discharging his mandate.

36. The Committee was at present reviewing the situation in Burundi in the light of the most recent developments there, which were somewhat alarming. Rwanda had provided a case study in the failure of the international community to take appropriate action in time. The peace-keeping force of 4,500 approved by the Security Council had not yet been deployed; the French peace-keeping force at present in place was likely to withdraw shortly; a further mass exodus of Hutus into Zaire was not unlikely, and the remnants of the ousted Hutu forces were threatening to continue their fight. Since that situation was bound to have repercussions in Burundi, perhaps the High Commissioner, following an assessment of the situation during his forthcoming visit to Burundi, would be in a position to urge the Secretary-General and the Security Council to ensure that a sufficiently strong peace-keeping force reached Burundi in time to prevent genocidal violence similar to that in Rwanda. As in the case of Rwanda, monitoring and advisory services might not be enough on their own to achieve the vital objective of preventing genocide.

37. Mr. SHERIFIS said that, like all previous speakers, he was delighted that the High Commissioner had found time to meet the Committee and hoped that the occasion marked the start of a fruitful and continuing dialogue. A meeting with the High Commissioner at each session of the Committee would permit an exchange of views on topics of vital mutual importance. The establishment of the post of High Commissioner for Human Rights was a significant and long-awaited advance; it was hoped he would be active, responsive and result-oriented in his work, travelling widely to areas where human rights were under threat, with a view to the establishment of a new international humanitarian order. He himself was a member of the Commonwealth Intergovernmental Group of Experts for the establishment of a new

international humanitarian order and suggested that it might be useful for that group and the High Commissioner to make contact and exchange views on the issue.

38. The High Commissioner had already done valuable work in Rwanda and Burundi, and was due to return to that area of human tragedy soon. He had the full support of the Committee in his work there. The Committee had already considered the situation in Rwanda, and was about to take up the situation in Burundi. It had a draft decision before it in which it noted with appreciation the High Commissioner's establishment of an office in the capital Bujumbura. He would welcome more details of the office's activities.

39. The High Commissioner had asked what the Committee expected of him. One of his main tasks must be to coordinate all United Nations human rights activities in order to avoid duplication or, even worse, competition between the various human rights bodies, which was not only self-defeating, but undignified. The High Commissioner should play the leading role in those coordination efforts.

40. Mr. VALENCIA RODRIGUEZ said that the High Commissioner was aware of the Committee's position on the situation in Rwanda and Burundi. He would welcome more up-to-date information on the situation in Rwanda and on the measures the High Commissioner was hoping to take in the near future. In the case of Burundi, too, members of the Committee were interested in any measures which might help to resolve the situation and wished to know how they could best express their concern at the situation as individual experts.

41. In his view, the situation in Rwanda and Burundi required a United Nations presence if matters were not to take an even darker turn. However, such a policy would require considerable human and financial resources. Accordingly, he would like to know what resources might be made available and the results of the Secretary-General's appeal for contributions towards the cost of the peace-keeping operations.

42. Mr. van BOVEN said he welcomed the appointment of the High Commissioner, an initiative which had been discussed in the United Nations for many decades. However, the High Commissioner must be given the human and financial resources he needed to do his job. He welcomed the High Commissioner's emphasis on preventive measures, and hoped that his forthcoming visit to Burundi would help to defuse the situation there.

43. Other speakers had mentioned the importance of coordinating the efforts of the various human rights bodies within the United Nations. He noted that Security Council resolution 935 (1994) on Rwanda made specific reference to the High Commissioner and entrusted the United Nations human rights programme with the implementation of the resolution. That perhaps pointed to a growing coordination between the highest political levels of the Organization and the departments responsible for human rights. However, it was also important to ensure coordination among the human rights treaty bodies themselves, at all levels, including the regional level, while respecting the complementary roles of each. He hoped that the High Commissioner could suggest ways of improving that coordination.

44. Mr. YUTZIS asked the High Commissioner for details of the scope of his mandate. There must be limits to his authority, and the Committee needed to know exactly where the boundaries lay. Another point he wanted to stress was the importance of the Committee's early warning procedures which, with the moral and logistical support of the High Commissioner, would be even more effective.

45. A technical issue which other speakers had also raised was the danger of competition between the various human rights bodies. Such competition was completely pointless; it was essential to discuss how each treaty body could fulfil its mandate and expand its activities, not by duplicating the work of other bodies, but by treating its own subject-matter in greater depth and with greater flexibility.

46. There were some ways in which the Committee might be able to help the High Commissioner in his work. Its members had many years of experience in the fight against racial discrimination, and it was now moving into the field of early warning procedures and advisory services. The High Commissioner's task was bound to become so complex that he would need the support of the treaty bodies. The Committee might take on some sort of open-ended advisory role, in addition to its work under the Convention itself, in order to help him in his task.

47. Finally, the High Commissioner might be able to help the Committee with the perennial problem of financing. Although it sometimes seemed to him that the use of resources was less than optimal, he was aware that the financial problem was a genuine one, and would welcome the High Commissioner's advice.

48. Mr. RECHETOV said that the appointment of the High Commissioner for Human Rights was a historic event and the Committee should do everything in its power to help the High Commissioner in his work. Any references which members had made to other human rights bodies were only intended to show that the Committee was trying to assess the situation realistically and decide how it could best further the cause of human rights.

49. He saw three areas where the High Commissioner could help the Committee in its work. The first was that of coordination with other United Nations bodies: the High Commissioner could do much to ensure that the Committee was provided with all the information available within the United Nations. Very often, during a debate, it emerged that valuable information was available somewhere in the United Nations system, if the Committee could only obtain it. He knew how much the work of the Centre for Human Rights had expanded in recent years, but it was a problem which had to be solved. At every session, the Committee needed to be sure that all the available information was before it.

50. The second area where the High Commissioner might help the Committee was by encouraging as many States as possible to accede to the Convention. He believed that the United States of America was now planning to ratify the Convention, but many States established as a result of recent political upheavals had failed to establish relations with the Committee. Some of those countries had populations of tens of millions, but no-one had asked them to

confirm that they still considered themselves to be bound by treaties signed by the predecessor States. The High Commissioner surely had a useful role to play in that respect.

51. The High Commissioner might also be able to help with a problem which the Committee had encountered that very day. The Committee had considered the situation of a State which had a permanent mission in Geneva and could have sent a representative to the meeting, but had failed to do so. Surely the High Commissioner could bring pressure to bear on such States which had, after all, undertaken to cooperate actively with the United Nations. It was difficult to maintain a constructive dialogue with States parties in such circumstances. By contrast, the previous week the Government of Australia had sent a high-level delegation which had listened attentively to the Committee's questions and comments and given detailed answers.

52. The Committee had not taken many initiatives which had financial or staffing implications. It had taken two such initiatives in 1993, one involving assistance in the settlement of an ethnic conflict in Kosovo and the other assistance in establishing legal machinery in Croatia, and none at all in the current year. The members of the Committee had accumulated many years' experience in the fight against racial discrimination, relying on their detailed knowledge and analytical skills. In that respect, it differed from a body like the Sub-Commission on Prevention of Discrimination and Protection of Minorities. The High Commissioner should perhaps consider drawing up a list of experts, possibly including members of the Committee, to undertake preventive work.

53. Mr. ABOUL-NASR said that he, like many other people from developing countries, had had grave doubts about the proposal to appoint a High Commissioner for Human Rights. However, the ability and readiness to compromise of the first High Commissioner had dispelled his fears, and he wished the High Commissioner every success in his future work. There were many challenges facing him in the African continent alone - Burundi, Rwanda, Liberia and Angola, to name but a few.

54. Previous speakers had stressed the importance of preventive action to prevent human rights abuses and the importance of coordination with other United Nations human rights bodies. In that respect, he wished to stress the importance of cooperation with regional organizations. For instance, the High Commissioner had doubtless already contacted the human rights section of the Organization of African Unity to learn how Africa viewed its own problems and how it proposed to deal with them.

55. There was another point which other speakers had not mentioned: many developing countries were still concerned at what they perceived to be double standards in the treatment of human rights issues by the United Nations. They feared that human rights were sometimes used as an excuse to intervene in a country's domestic affairs and as a pawn in a political game between the major Powers. For example, he still could not understand the Security Council's decisions on Haiti, given its reluctance to act in other areas. To cite another example, the plight of Turkish Kurds had never been publicized by the

United Nations or the media, but the situation of Kurds in Iraq received constant attention, although they were possibly better treated than in some other places.

56. Mr. SONG Shuhua welcomed the dialogue with the High Commissioner for Human Rights, whose outstanding statesmanship would enable him to discharge his sensitive and challenging mandate successfully. The establishment of his post would ensure that the situation of human rights was addressed at a higher level and provide welcome guidance to the human rights treaty monitoring bodies. More specifically, it was hoped that it would enable the Committee to receive information more rapidly, especially in emergency situations; that it would make for improved coordination among bodies which, though sharing the same ultimate purpose and perhaps running the risk of some duplication, had their own specific mandates; and that more logistical support would be forthcoming to help the Committee in its work.

57. The CHAIRMAN, speaking in his personal capacity, said that he was most gratified that the Committee had had the opportunity to exchange views with the High Commissioner for Human Rights. There had been a time when he, like others, had not been in a position to support the creation of the High Commissioner's post, but times had changed. One aspect of the Committee's work to which he attached great importance and which was encouraged by the High Commissioner was its approach to emergency situations and rapidly deteriorating conflicts, which had prompted it to adopt its document on early warning and urgent procedures, as a result of which it had, for instance, identified the problem in Kosovo and taken steps to secure cooperation from a particular State party in connection with the situation there.

58. In view of current developments in certain parts of the world, such as in Rwanda, where there was a total breakdown not only of law and order but of government itself, he believed that the United Nations, through the Security Council, had a role to play that required a broader reading of its peace enforcement mandate under Chapters 6 and 7 of the Charter of the United Nations.

59. Mr. AYALA LASSO (High Commissioner for Human Rights) said that he was gratified to note Committee members' interest in the many subjects raised and in his work as High Commissioner. It was his earnest wish to pursue an ongoing dialogue with Committee members, both collectively and individually, if they so wished. He remained at their disposal for any further questions.

60. By way of a general response to the request by Mr. Yutzis for his views on the scope of his work, he referred the Committee to the very broad mandate conferred on him by General Assembly resolution 48/141, covering all human rights, including the right to development, in all parts of the world. Legally speaking, the limits to his mandate were set by the Charter of the United Nations, the Universal Declaration of Human Rights and other international instruments of human rights and international law, including obligations to respect the sovereignty, territorial integrity and domestic

jurisdiction of States. The High Commissioner's work depended on the political and economic support of Member States, making it vital to live up to their trust. The High Commissioner therefore had a diplomatic and political interest in maintaining contacts, through frank and cordial dialogue, in order to take practical action and achieve tangible results.

61. On his appointment as the first High Commissioner for Human Rights, on 5 April 1994, he had felt it necessary to give full force to his mandate, inter alia by seeking to enhance the capacity of the United Nations to react to emergency situations. That had prompted his immediate response to developments in Rwanda. On 26 April, with a view to drawing up a programme of action, he had requested information on the situation and suggestions for action from a wide range of United Nations agencies and programmes, special rapporteurs, human rights treaty bodies, regional and non-governmental organizations and Governments, and had subsequently decided to undertake a personal mission to Rwanda, where he had appealed for an end to the human rights violations and for negotiations to settle the conflict. He had submitted his report to the Commission on Human Rights and recommended the appointment of a special rapporteur, assisted by a team of human rights field officers, whose tasks would include establishing responsibility for the massacres. The Security Council had accordingly decided to increase the United Nations military presence in Rwanda and had subsequently established a three-member Commission of Experts. On his proposal, it had been agreed that a team of 20 human rights monitors would help prepare the work of the Commission of Experts. He had held a meeting that very morning with the Commission of Experts. The Commission's report was to be submitted to the Security Council, through the Secretary-General by 30 November 1994. Through the action he had taken concerning Rwanda, he had endeavoured to demonstrate that the Office of the High Commissioner could react rapidly and effectively to developments in all areas within its mandate, with all the measures at its disposal. From international reaction, and reaction within Rwanda, that approach had clearly gained wide acceptance.

62. He saw preventive action as another important aspect of his mandate. Burundi was a case in point. Even before his visit to Rwanda, he had held wide-ranging discussions with various parties, including high-ranking officials in the country, in an attempt to convey a single message, that of tolerance. Despite government scepticism, he had proposed a fairly ambitious programme of technical assistance. Thirty days after his visit, on 15 June 1994, he had established an office in Bujumbura and programme execution had been initiated. He was pleased to announce that voluntary contributions to the fund for the execution of the programme had exceeded initial forecasts, as a result of which preparatory work had already begun on the second phase. The programme, which was being implemented in agreement with the Government, covered a range of areas, including training for police officers, members of the armed forces and members of the judiciary, and also human rights education within primary, secondary, university and non-formal education, as the best means of building a new society. From his contacts with the Government, it was to be expected that his forthcoming mission to Burundi would proceed smoothly.

63. He agreed fully with Committee members on the need for improved coordination, which he regarded as a further crucial component of his mandate. At the first meeting of the Administrative Committee on Coordination to have included human rights on its agenda, held in April 1994, he had outlined his views of the major thrust of his work as human rights coordinator for the coming years. One point he had made was that he had no intention of duplicating the activities of any organizations, programmes or bodies whose work in the field of human rights was proceeding smoothly. One of the suggestions he had made had concerned the exchange of information through the establishment of focal points in the various organizations. He assured the Committee that the process of improved coordination within the United Nations family was being put into effect. Coordination with regional, subregional and indeed national organizations was also vital, with the ground now being laid for the future. Regional arrangements for the coordination of human rights activities and examination of human rights situations were already in operation in Europe, Africa and Latin America, and, following recent initiatives, Asia would shortly be added to that list.

64. In dealing with human rights issues, a method he favoured was diplomatic persuasion, through direct contacts with Governments. He had already conducted several visits to various countries in Europe and, more recently, in Asia, and was preparing for further missions, for example, to Eastern Europe. He had received invitations from countries with which contacts had been difficult in the past, such as Cuba.

65. He stressed the significance of the mission of the High Commissioner for Human Rights as representing the moral conscience of humanity. The international community's high expectations of his Office in a context of inevitably limited material resources made that task a challenging one, but he felt very strongly about the noble cause he served in seeking to promote and ensure respect for all human rights on an equal footing without submitting to any pressure from any State for political reasons or serving as a tool for any action prompted by such motivations. There was no room in such a policy for double standards. Convinced as he was of the need to ensure respect for human rights everywhere, he had begun his field visits with countries with fewer reported cases of human rights violations, such as Austria, Germany and Denmark. He had drawn several important conclusions from his work and experience over the previous four months, namely the widespread recognition of the importance of protecting human rights and of the United Nations legitimate interest and role in that field, and the strong support for the Office of the High Commissioner for Human Rights as an important tool for action. An example was the excellent response to appeals for contributions for technical assistance. Japan, for instance, had recently pledged a fivefold increase in its contributions.

66. He attached the utmost importance to maintaining permanent contacts with the human rights treaty bodies in order to help improve the work of those bodies and, particularly the implementation and follow-up of the decisions taken. He appreciated the Committee's willingness to contribute to the work of his Office, and he in turn pledged his full support and cooperation and assured the Committee that he would endeavour to solve logistic problems that had arisen. Aware as he was of the high calibre and expertise of the members

of the Committee, he agreed that the Committee's cooperation on human rights situations such as those prevailing in Rwanda and Burundi could be of mutual benefit, and he would be contacting the Chairman of the Committee on that subject immediately after his return from those two countries. He would welcome further opportunities for ongoing cooperation in the future.

67. The CHAIRMAN assured the High Commissioner of the Committee's willingness to cooperate with him, especially during Committee sessions, and thanked him for his support.

The meeting rose at 1.20 p.m.